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C O N F I D E N T I A L SEOUL 001732

SIPDIS

E.O. 12958: DECL: 10/30/2029
TAGS: PGOV KS
SUBJECT: CONSTITUTIONAL COURT UPHOLDS MEDIA REFORM

Classified By: POL M/C James L. Wayman. Reasons 1.4 (b), (d).

¶1. (C) SUMMARY: On October 29, South Korea's Constitutional Court ruled that the controversial set of media reform bills the National Assembly passed in July were valid, despite violations in the voting process. Clearing this issue from the legislative agenda will allow the National Assembly to move forward on other legislation in the current session. The decision leaves uncertain the fate of some DP lawmakers -- notably party leader Chung Sye-kyun -- who resigned from the National Assembly in protest over the media reform legislation. END SUMMARY.

¶2. (C) COMMENT: The GNP paid a significant political price to push the media reform bill through the National Assembly last July in a near-riotous session, and a decision overturning the law would have dealt a significant blow to the governing party. Such a ruling would also have opened the door to losing legislators pursuing litigation whenever they believed the National Assembly had followed improper procedures. The DP will likely continue to protest the media reform bills, which are scheduled to take effect on November ¶1. END COMMENT.

¶3. (SBU) The South Korean Constitutional Court on October 29 upheld controversial media reform laws that the ruling GNP had pushed through the National Assembly in July despite the opposition's attempts to physically block the vote (reftel A). The next day, 93 lawmakers from three opposition parties filed petitions with the Constitutional Court seeking injunctions to stop the laws from taking effect. The lawmakers also complained that the re-vote on the broadcasting bill, which did not get a quorum of votes the first time around, violated the law. Two of the nine justices issued minority opinions that said the National Assembly should overturn the bills because the voting infringed upon opposition lawmakers' rights. The majority opinion acknowledged violations in voting procedures, but said it was unclear if the constitutional principle of majority rule had been violated.

¶4. (C) Three DP lawmakers -- most notably party leader Chung Sye-kyun -- were hoping the court would overturn the legislation, vindicating their position and allowing them to rescind their resignations. Though National Assembly Speaker Kim Hyung-o has not accepted the resignations, DP Chairman Chung has vacated his office in the National Assembly and boycotted all proceedings. The court's decision leaves their status ambiguous. Chung would retain his position as DP Chief either way, as party leaders are not required to be National Assembly members.

STEPHENNS